

John A. DiLorenzo, Jr., OSB 802040
johndilorenzo@dwt.com
P. Andrew McStay, Jr., OSB 033997
andymcstay@dwt.com
DAVIS WRIGHT TREMAINE LLP
1300 S.W. Fifth Avenue, Suite 2400
Portland, Oregon 97201-5610
Telephone: (503) 241-2300
Facsimile: (503) 778-5299

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT PORTLAND

PHILLIP E. OWEN, an individual; OWEN
PROPERTIES LLC, an Oregon limited liability
company; and MICHAEL L. FEVES, an
individual,

Plaintiffs,

v.

CITY OF PORTLAND, an Oregon municipal
corporation,

Defendant.

Case No. 3:17-cv-00221—SI

**SUPPLEMENTAL DECLARATION OF
P. ANDREW McSTAY, JR. IN
SUPPORT OF PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE**

I, P. Andrew McStay, Jr., declare as follows:

1. I am one of the attorneys for plaintiffs Phillip E. Owen, Owen Properties LLC, and Michael L. Feves. I make this Declaration in support of Plaintiffs' Motion for Temporary Restraining Order and Order to Show Cause. I make this declaration on personal knowledge and, if called as a witness, could and would testify competently to these facts under oath.

2. Attached as Exhibit 3 is a true and correct copy of an October 14, 2016 Opinion written by Emily M. Maass, Deputy Legislative Counsel, regarding “Local Authority to Enact and Enforce an Ordinance Prohibiting Landlords from Terminating Month-to-Month Rental Agreements Without Cause.”

3. Attached as Exhibit 4 is a true and correct copy of an April 21, 2016 Opinion from Tracy P. Reeve, City Attorney, and Denis Vannier, Deputy City Attorney, to Commissioner Dan Saltzman regarding “Moratorium on No-Cause Termination of Tenancies.”

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 14, 2017, at Portland, Oregon.

By: /s/ P. Andrew McStay, Jr.
P. Andrew McStay, Jr.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **SUPPLEMENTAL DECLARATION OF P. ANDREW McSTAY, JR. IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE** on:

Tracy Reeve, City Attorney
tracy.reeve@portlandoregon.gov
Harry Auerbach, Chief Deputy City Attorney
harry.auerbach@portlandoregon.gov
Rebeca Plaza, Deputy City Attorney
rebeca.plaza@portlandoregon.gov
Denis Vannier, Deputy City Attorney
Denis.vanier@portlandoregon.gov
Office of City Attorney
1221 SW Fourth Avenue, Suite 430
Portland, OR 97204
Telephone (503) 823-4047
Facsimile (503) 823-3089

Attorneys for Defendant

☒ by using CM/ECF electronic service.

Dated this 14th day of February, 2017.

DAVIS WRIGHT TREMAINE LLP

By /s/ John DiLorenzo, Jr.
John A. DiLorenzo, Jr., OSB #802040
johndilorenzo@dwt.com
P. Andrew McStay, Jr., OSB #033997
andymcstay@dwt.com
Telephone: (503) 241-2300
Facsimile: (503) 778-5299

Attorneys for Plaintiffs